

1 MATTHEW T. GREGORY # F0205
2 Attorney General
3 GREGORY BAKA # F0199
4 Deputy Attorney General
5 OFFICE OF THE ATTORNEY GENERAL
6 Hon. Juan A. Sablan Memorial Bldg., 2nd Fl.
7 Caller Box 10007, Capital Hill
8 Saipan, MP 96950-8907
9 Telephone: (670) 664-2341
10 Fax: (670) 664-2349
11 E-mail: gbaka79@yahoo.com

12 Attorneys for Defendants Commonwealth of the Northern Mariana Islands,
13 Nicole C. Forelli, William C. Bush, D. Douglas Cotton, L. David Sosebee,
14 Andrew Clayton, and Pamela S. Brown

15 UNITED STATES DISTRICT COURT

16 FOR THE NORTHERN MARIANA ISLANDS

17 ROBERT D. BRADSHAW,) CIVIL ACTION NO. 05-0027

18 Plaintiff,)

19 vs.)

20 COMMONWEALTH OF THE) **SUPPLEMENT TO CNMI
21 NORTHERN MARIANA ISLANDS,) DEFENDANTS' MOTION TO
22 NICOLE C. FORELLI, WILLIAM C.) DISMISS THIRD AMENDED
23 BUSH, D. DOUGLAS COTTON,) COMPLAINT (FURTHER
24 L. DAVID SOSEBEE, ANDREW) CITATIONS TO COMPLAINT);
25 CLAYTON, UNKNOWN AND) CERTIFICATE OF SERVICE
UNNAMED PERSONS IN THE CNMI)
OFFICE OF THE ATTORNEY)
GENERAL, ALEXANDRO C. CASTRO,)
JOHN A. MANGLONA, TIMOTHY H.)
BELLAS, PAMELA S. BROWN,)
ROBERT A. BISOM, AND JAY H.)
SORENSEN,)
Defendants.)**

Hearing: Thursday, December 7, 2006
Time: 9:00 a.m.
Judge: Hon. Alex R. Munson

1 **COMES NOW** the Office of the Attorney General and provides this supplement
2 to its motion on behalf of the CNMI Defendants to dismiss all claims involving federal
3 question and diversity jurisdiction contained in the Third Amended Complaint with
4 prejudice, and to dismiss all remaining claims without prejudice pursuant to 28 U.S.C.
5 § 1367(c).

6 When the CNMI Defendants waived oral argument and submitted their motion on
7 the briefs, the Court had a query about which portions of the Motion to Dismiss applied to
8 which parts of the Third Amended Complaint. As stated on the record, counsel did not
9 have a copy of the Third Amended Complaint present at the hearing, but the Motion to
10 Dismiss tracks the complaint.

11 The Third Amended Complaint contains the following causes of action.

13 First Claim [Bisom & Sorensen] -- Civil Rights Violations (42 U.S.C. § 1983),

14 ¶¶ 211-31, pp. 42-45.

15 Second Claim [Forelli, Cotton, Bush, Clayton & Sosebee] -- Civil Rights Violations
16 (42 U.S.C. § 1983), ¶¶ 232-63, pp. 45-50.

17 Third Claim [Brown] -- Civil Rights Violations (42 U.S.C. § 1983), ¶¶ 264-74,
18 pp. 50-52.

19 Fourth Claim [Unknown person or persons] -- Civil Rights Violations (42 U.S.C. §
20 1983), ¶¶ 275-82, pp. 52-53.

21 Fifth Claim -- Intentionally Omitted, ¶¶ 283-303 deleted, p. 53.

22 Sixth Claim -- Intentionally Omitted, ¶¶ 304-17 deleted, p. 53.

23 Seventh Claim [CNMI, Clayton, Brown, Sosebee, Forelli, Bisom & Sorensen] --
24 Civil Rights Violations (42 U.S.C. § 1985), ¶¶ 318-27, pp. 53-58.

1 Eighth Claim [CNMI, Forelli, Brown, Clayton, Sosebee, Bisom & Sorensen] --
2 RICO Violations (42 U.S.C. §§ 1961-64), ¶¶ 328-38, pp. 58-61.
3 Ninth Claim [CNMI, through Forelli, Bush, Cotton, Clayton, Sosebee & Brown] --
4 Employment Contract Breached, Supplemental Claim, ¶¶ 339-46, pp. 62-63.
5 Tenth Claim -- Intentionally Omitted, ¶¶ 347-55 deleted, p. 63.
6 Eleventh Claim [CNMI, through Brown, Clayton, Sosebee & Forelli; Bisom &
7 Sorensen] -- Violation Civil Rights Act of 1870 and 42 U.S.C. § 1981,
8 ¶¶ 356-62, pp. 63-66.
9 Twelfth Claim -- Intentionally Omitted, ¶¶ 363-70 deleted, p. 66.
10 Thirteenth Claim -- Intentionally Omitted, ¶¶ 371-74 deleted, p. 66.
11 Fourteenth Claim [CNMI, Forelli, Bush, Clayton, Sosebee, Brown, Cotton, Bisom
12 & Sorensen] -- Intentional, Malicious, and/or Irresponsible Actions Causing
13 Damage to Plaintiff BRADSHAW's Reputation as an Employer, Supervisor,
14 and as a Person, ¶¶ 375-78, pp. 66-67.
15 Fifteenth Claim [CNMI, Bisom & Sorensen] -- Intentional, Malicious, and/or
16 Irresponsible Actions Causing Emotional and Mental Distress on
17 BRADSHAW, ¶¶ 379-82, pp. 67-68.
18 Sixteenth Claim -- Intentionally Omitted, ¶¶ 383-86 deleted, p. 68.
19 Seventeenth Claim -- Intentionally Omitted, ¶¶ 387-97 deleted, p. 68.

20
21 Accordingly, the following are the subparts of the "Discussion" portion of the
22 CNMI Defendants' argument in the Motion to Dismiss, as set forth in the table of
23 contents. Added are the claim numbers, in brackets, to which the arguments apply. Those
24 marked with a question mark are situations where it is unclear whether Plaintiff is
25 including those arguments in support of the claim.

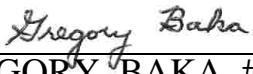
1	A. The CNMI is Not a “Person” for Purposes of 42 U.S.C. § 1983	
2	[Claims # 1-4]	4
3	B. Alleged Violations of Criminal Statutes Provide No Basis for Civil Liability, and	
4	Therefore Provide No Basis for the Exercise of Federal Jurisdiction	
5	[Any claim, if any, based on Complaint ¶ 6]	5
6	C. Plaintiff Has Failed to State a Claim Upon Which Relief Can Be Granted for	
7	Violation of his Right to Procedural Due Process [Claim # 1, ¶ 212;	
8	Claim # 2, ¶¶ 233, 263; Claim # 3, ¶¶ 265 (?), 274; Claim # 4, ¶¶ 276, 282;	
9	Claim # 7, ¶ 319; Claim # 11, ¶¶ 357]	5
10	D. Plaintiff Has Failed to State a Claim Upon Which Relief Can Be Granted for	
11	Violation of his Right to Equal Protection [Claim # 1, ¶ 212; Claim # 2,	
12	¶¶ 233, 263; Claim # 3, ¶¶ 265 (?), 274; Claim # 4, ¶¶ 276, 282; Claim # 7,	
13	¶ 319 (?); Claim # 11, ¶¶ 357]	7
14	E. Allegations of Conspiracy and Violations of 42 U.S.C. § 1985 Must Be Plead	
15	With Particularity [Claim # 7]	9
16	F. Plaintiff’s RICO Allegations Based Upon Damages Allegedly Suffered as a	
17	Result of the <i>Bisom</i> Litigation in Local Court Fail to State a Claim	
18	[Claim # 8]	10
19	G. The Court is Without Equity Jurisdiction to Order Defendants to Investigate	
20	or Prosecute Allegations of Criminal Wrong-doing, or to Order the	
21	Appointment of a Special Prosecutor [Claim # 2, ¶ 248; Prayer for Relief,	
22	¶¶ 2-3]	13
23	H. The Attorneys General and Assistant Attorneys General Are Entitled To	
24	Absolute Prosecutorial Immunity with Respect to Certain of Plaintiff’s Claims	
25		

1	for Damages Relief [Claim # 2, ¶ 248; Claim # 3, ¶ 267 (second sentence);	
2	and any other claim based on failure to investigate or prosecute]	14
3	I. The Attorneys General and Assistant Attorneys General Are Entitled	
4	To Qualified Immunity with Respect Plaintiff's Claims for Relief Based Upon	
5	Alleged Breach of Attorney-Client Relationship and Malpractice [Claims # 2-	
6	3]	14
7	J. The CNMI is Not a "Citizen" for Purposes of Diversity Jurisdiction, and	
8	Diversity Jurisdiction is Therefore Destroyed [Claims # 9, 14-15]	15
9	K. Plaintiff Cannot Meet the Amount in Controversy Required to Establish Subject	
10	Matter Diversity Jurisdiction [Claims # 9, 14-15]	16
11	L. Following Dismissal of Plaintiff's Federal Claims, his Remaining Claims	
12	Asserting Violations of Local Law are Due to Be Dismissed Pursuant to 28	
13	U.S.C. § 1367(c) [Claims # 9, 14-15]	20

15 Respectfully submitted,

16
17 OFFICE OF THE ATTORNEY GENERAL
18 MATTHEW T. GREGORY # F0205
19 Attorney General

20 Dated: Monday, 11 December 2006.

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22 GREGORY BAKA # F0199
23 Deputy Attorney General

24
25 Attorneys for Defendants

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(d), the undersigned declarant states as follows:

1. I am eighteen years of age or older, and I certify that I caused to be served the following documents to the last known address(es) listed below on the date(s) indicated.

**SUPPLEMENT TO CNMI DEFENDANTS' MOTION TO DISMISS THIRD
AMENDED COMPLAINT (FURTHER CITATIONS TO COMPLAINT);
CERTIFICATE OF SERVICE**

2. As set forth below, this service was accomplished by personal delivery; U.S. Mail; deposit with Clerk of Court (in attorney box), cf. Fed. R. Civ. P. 5(b)(2)(D); or electronic service, see Local Rule 5.1.

Robert D. Bradshaw
P. O. Box 473
1530 W. Trout Creek Road
Calder, ID 83808-0473

Plaintiff, pro se
Tel: (208) 245-1691
Fax: N/A

Via Clerk of Court [Electronic Filing]

Mark B. Hanson, Esq. # F0261
Macaranas Building, 1st Floor
Beach Road, Garapan
PMB 738, P. O. Box 10,000
Saipan, MP 96950-8900

Attorney for Defendant Bisom
Tel: (670) 233-8600
Fax: (670) 233-5262
E-mail: mark@sainpanlaw.com

Via Electronic Service

Jay H. Sorensen, Esq. # F0127
c/o Shanghai, China
P. O. Box 9022
Warren, MI 48090-9022

Defendant, pro se
Tel: (86) 21-5083-8542
E-mail: subpar@fastmail.cn

Fax: same

Via E-Mail

G. Patrick Civille, Esq. # F0139
Civille & Tang, PLLC
330 Hernan Cortez Ave., Ste. 200
Hagåtña, GU 96910

Attorney for dismissed judicial Defendants
Tel: (671) 477-9891/2
Fax: (671) 472-2601
E-mail: pciville@guamattorneys.com

Via Electronic Service

3. I declare under penalty of perjury that the foregoing is true and correct. Executed on
Monday, 11 December 2006.

Deputy Attorney General
Attorney for Defendants Commonwealth of the
Northern Mariana Islands, Nicole C. Forelli,
William C. Bush, D. Douglas Cotton,
L. David Sosebee, Andrew Clayton,
and Pamela S. Brown